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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,030	06/22/2001	Wang Cheng Chung		4777

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Quintero Law Office  
1617 Broadway  
3rd Floor  
Santa Monica, CA 90404

EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/886,030

Applicant(s)

CHUNG, WANG CHENG

Examiner

James M Hewitt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19, 20 and 22-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 and 22-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 32-34 is/are allowed.
- 6) ☒ Claim(s) 19 and 30 is/are rejected.
- 7) ☐ Claim(s) 29 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 30 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims 1-16 and 22-28 drawn to a nonelected invention. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicant argues that upon re-evaluation of the restriction requirement of 9/10/02, elected Group V should be combined with nonelected Group VI, and thus the claims of Group VI (i.e. claims 22-23) should be treated on the merits. The Examiner disagrees. Applicant elected Group V (claims 17-21) without traverse on 11/12/02. And pursuant to 37 CFR 1.142(b), claims 1-16 and 22-28, which include claims 22-23, were withdrawn from consideration on 1/31/03. Further, as explained in the office action of 1/31/03, Group VI and claims 22 and 23 are patently different inventions that the invention(s) of elected Group V. And although Groups V and VI have the same classification, the search required for Group VI is not required for Group V. Searching Group VI would entail completing an extensive text search that is not required for the search of Group V.

### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 4/30/03 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Horvath et al (US 4,707,027).

With respect to claim 19, Horvath et al discloses an inflatable product, including: a first chamber (8); a first valve (16); an air pump (14) for inflating the first chamber through the first valve; a first switch (28) for activating the air pump and opening the first valve; and a switch circuit (see Figures 2 and 3) through which the air pump is activated by the first switch, wherein the switch circuit has a second switch (26) turned on by the first switch when the first switch is turned on, and a relay (30 or 32) activated to supply the air pump with power when the second switch is turned on (see column 3 lines 4-40).

It should be noted that contacts 26 and 28, given the broadest reasonable interpretation, are considered switches. Refer to the following definition of "switch":

**switch** (swĭch) *noun*

5. *Abbr. sw.* A device used to break or open an electric circuit or to divert current from one conductor to another.<sup>1</sup>

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<sup>1</sup> *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

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With respect to claim 30, further comprising a second chamber (10); a second valve (18) through which the air pump inflates the second chamber; and a third switch (first contact of switch 24) to activate the air pump and open the second valve, wherein the switch circuit has a fourth switch (second contact) turned on by the third switch when the third switch is turned on, and the relay is activated to supply the air pump with power when the fourth switch is turned on (see column 3 lines 4-40).

### ***Allowable Subject Matter***

Claims 20, and 32-34 are allowed.

Claims 29 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

jmh  
July 24, 2003



*Lynne H. Browne*  
*Supervisory Patent Examiner*  
*Technology Center 3620*